

REMARKS/AMENDMENTS

Claims 1-3, 5-20 and 24-29 are pending in the present application.

Independent Claim 1 has been amended to recite a lacrosse stick comprising a rigid lacrosse stick handle structured and arranged to be gripped by two hands of a lacrosse player, a lacrosse head structured and arranged to receive a lacrosse ball connected to the lacrosse stick handle, and an articulation mechanism structured and arranged to allow articulation of at least a portion of the lacrosse head with respect to the lacrosse stick handle.

Independent Claim 26 has been amended to recite an articulated lacrosse stick comprising a rigid lacrosse stick handle structured and arranged to be gripped by two hands of a lacrosse player, a lacrosse head structured and arranged to receive a lacrosse ball, and means for articulating the lacrosse head with respect to the lacrosse stick handle.

Basis for the amended language of Claims 1 and 26 is provided in the specification, for example, at paragraph [0046]. Some non-limiting embodiments of the claimed rigid lacrosse stick and articulation mechanism or means are shown in Figs. 1, 2, 8, 20, 21, 24a, 24b and 25.

Claims 1-3, 5, 13-15, 17, 18, 25 and 26 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bolduc et al. '471. Claims 10-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolduc et al. '471. According to the Office Action, Bolduc et al. '471 discloses a lacrosse stick handle, a lacrosse head connected to the lacrosse stick handle, and an articulation mechanism disposed between the lacrosse stick handle and the lacrosse stick head.

Independent Claims 1 and 26, as amended, recite *inter alia* a lacrosse stick comprising a rigid lacrosse stick handle structured and arranged to be gripped by two hands of a lacrosse player. Claim 1 recites a lacrosse head structured and arranged to receive a lacrosse ball connected to the lacrosse stick handle, and an articulation mechanism structured and arranged to allow articulation of at least a portion of the lacrosse head with respect to the lacrosse stick handle. Claim 26 recites a lacrosse head structured and arranged to receive a lacrosse ball, and means for articulating the lacrosse head with respect to the lacrosse stick handle.

In contrast, Bolduc et al. '471 discloses a baseball bat or other sports instrument (including a lacrosse stick) in which a player grasps the instrument with two hands. A pivot mechanism is provided in the handle of the bat or other sports instrument at a location between the hand grip portions of the instrument. As taught by Bolduc et al. '471, the pivoting joint between the hands of the batter helps train the batter to swing properly (see column 3, lines 18-45). The sports instruments of Bolduc et al. '471 do not include a rigid handle structured and arranged to be gripped by two hands of a lacrosse player as presently claimed, but instead require a pivoting joint positioned between the hands of a player. Bolduc et al. '471 does not teach or suggest a rigid lacrosse stick handle as presently claimed. In fact, Bolduc et al. '471 teaches away from such a rigid handle by requiring a pivoting joint in the handle between a player's hands. Accordingly, independent Claims 1 and 26, and the claims that depend therefrom, are patentable over Bolduc et al. '471.

Claims 1-3, 5-13, 26, 28 and 29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Burnett '596 in view of Kennedy '927. According to the Office Action, Burnett '596 discloses the elements of Claim 1, but fails to disclose the use of an articulation mechanism. Kennedy '927 is relied upon as teaching the use of an articulation mechanism. According to the Office Action, it would have been obvious to one of ordinary skill in the art to have employed the articulation mechanism of Kennedy '927 with the apparatus of Burnett '596 in order to reduce the impact to the players' hands when catching the ball. This rejection is respectfully traversed.

Burnett '596 discloses a lacrosse stick with no articulation mechanism. Kennedy '927 discloses a baseball bat with a pivoting joint approximately midway between the ends of the bat which gives elasticity to the bat. According to Kennedy '927, the object is to save the striker's hands from the jar that is usually received with an ordinary bat. There is no teaching or suggestion provided by Burnett '596 or Kennedy '927 to modify a lacrosse stick to include an articulated head as presently claimed.

Furthermore, it is submitted that one skilled in the art, considering the teachings of Burnett '596 and Kennedy '927, would not be motivated to modify the lacrosse stick of Burnett '596 in view of the baseball bat mechanism taught by Kennedy '927. As understood by

those skilled in the art, a lacrosse stick is used to catch, hold and subsequently throw a lacrosse ball. A baseball bat is used for a different function, namely, to swing at and strike a baseball. The pivoting joint of Kennedy '927 is said to save the batter's hands from the jar that is usually received when an ordinary bat strikes the ball. No such striking impact is encountered during lacrosse play. Accordingly, the fact that a baseball bat would be modified to provide a pivoting joint at its midsection provides no motivation for those skilled in the art to make a similar modification to a lacrosse stick. Accordingly, there is no teaching, suggestion or motivation to combine Burnett '596 and Kennedy '927, and the rejection based thereon should be withdrawn.

Claims 1, 2, 5-15, 17, 19, 20 and 25-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brine '578 in view of Hubbard '517. According to the Office Action, Brine '578 discloses the elements of Claim 1, but fails to disclose the use of an articulation mechanism. Hubbard '517 is relied upon as disclosing the use of an articulation mechanism. According to the Office Action, it would have been obvious to one of ordinary skill in the art to have employed the mechanism of Hubbard '517 with the apparatus of Brine '578 in order to customize the lacrosse head to the personal head angle preferences of the user and increase the satisfaction of the user. This rejection is respectfully traversed.

Brine '578 discloses a lacrosse head that is securely mounted on a lacrosse handle. As acknowledged in the Office Action, Brine '578 fails to disclose any type of articulation mechanism. Hubbard '517 is relied upon as teaching an articulation mechanism for a window cleaner. According to the Office Action, one skilled in the art would have selected any one of several equivalent means of attachment including a ball and socket type attachment.

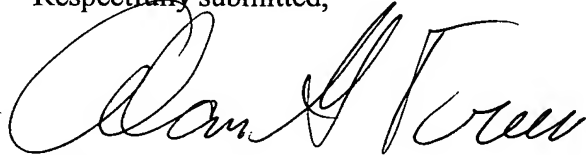
Hubbard '517 discloses a window cleaning mop with a head that can be set at different angles with respect to the mop handle. Applicants respectfully submit that Hubbard '517 is non-analogous and cannot properly be combined with the lacrosse stick of Brine '578. One skilled in the art of designing lacrosse sticks would not look to a window cleaning mop having a head that can be set at different angles for possible modifications to a lacrosse stick. There is no teaching, suggestion or motivation provided in the prior art for modifying the lacrosse stick of Brine '578 in view of the adjustable window cleaning mop of Hubbard '517 as proposed in the Office Action. Absent such a teaching, suggestion or motivation, it is submitted

that the rejection over Brine '578 and Hubbard '517 is improperly based on hindsight and should be withdrawn.

In summary, the prior art of record is devoid of any teaching, suggestion or motivation of making an articulated lacrosse stick as presently claimed which includes a rigid lacrosse stick handle structured and arranged to be gripped by two hands of a lacrosse player, a lacrosse head structured and arranged to receive a lacrosse ball connected to the lacrosse stick handle, and an articulation mechanism structured and arranged to allow articulation of at least a portion of the lacrosse head with respect to the lacrosse stick handle. It is therefore submitted that Claims 1-3, 5-20 and 24-29 are in condition for allowance. Accordingly, an early Notice of Allowance of this application is respectfully requested.

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,



Alan G. Towner
Registration No. 32,949
Pietragallo Bosick & Gordon, LLP
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicants

(412) 263-4340